

**Speech-Language Pathology and Audiology Board**

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**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD  
STRUCTURAL PEST CONTROL BOARD  
CONFERENCE ROOM  
1418 HOWE AVENUE, SUITE 18  
SACRAMENTO, CA 95825  
(916) 263-2666**

**APRIL 25, 2003  
BOARD MEETING  
MINUTES**

**Members Present**

Alison Grimes, AuD, Chairperson  
Sherry Washington, MA  
Bruce Gerratt, PhD  
Marcia Raggio, PhD  
James Till, PhD  
Rebecca Bingea, MA  
Paul Donald, MD

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Candace Raney, Staff Analyst  
Lori Pinson, Staff Analyst  
Ann Bolenbacher, Board Staff  
George Ritter, Staff Counsel

**Members Absent**

Vivian Shannon, MA

**Guests Present**

Lisa O'Connor, California Speech-Language-Hearing Association  
Robert Powell, California Speech-Language-Hearing Association

**I. Call to Order**

Chairperson Grimes called the meeting to order at 11:50 a.m.

**II. Introductions**

Those present introduced themselves.

**III. Approval of Meeting Minutes for January 16-17, 2003 – Committee Meetings and Full Board Meeting**

M/S/C: Donald/Washington

The Board voted to approve the May 2002 Board and Committee meeting minutes as amended.

#### **IV. Chairperson's Report (Alison Grimes)** **American Academy of Audiology (AAA) National Convention April 1-6, 2003**

Ms. Grimes stated that she, along with 6,000 audiologists, attended the American Academy of Audiology National Convention held in San Antonio Texas the first week of April. She reported that this was the largest gathering of audiologists in the world. Ms. Grimes reported that several topics of interest were discussed including newborn hearing screening, infant diagnosis and early intervention. She reported that she participated in a forum of state representatives around the country where significant concerns were raised regarding the threat of eliminating Medicaid coverage for hearing aids in order to assist with the state budget crisis.

Ms. Grimes stated that another interesting topic covered surrounded a new AAA position statement addressing conflict of interest guidelines and ethical relationships between audiologists and hearing aid manufacturers. Ms. Grimes stated that the AAA introduced specific guidelines for audiologists advising practitioners to avoid those activities sponsored by hearing aid manufacturers where there is, even the appearance, of inducement by the manufacturer. Ms. Grimes provided examples of situations that present a conflict wherein a hearing aid manufacturer sponsors a training event in a lavish setting, and provides all of the amenities free of charge to the attending audiologists, in hopes to persuade the audiologist to exclusively use a specific product.

Mr. Donald inquired whether the position paper targeted continuing education events.

Ms. Grimes confirmed that the continuing education events were included in the discussion.

Ms. Bingea stated that one impetus for the recent attention to conflict of interest issues are the new Health Insurance Portability and Accountability Act (HIPPA) regulations.

Ms. Grimes agreed but stated that, since Medicaid provides hearing aid benefits and that there are federal rules pertaining to equitable costs and consideration, the ethical standards related to this issue have been around for many years.

Ms. Washington commented that at her place of employment the administration has cautioned medical personnel about entertaining pharmaceutical representatives in any fashion to avoid potential conflicts.

Mr. Donald inquired about how the conflict of interest guidelines impact relationships between research facilities and manufacturers. He stated that often times the research facilities encourage remuneration by manufacturers in order to fund their research projects.

Ms. Grimes stated that the AAA representatives announced that a position paper addressing ethical guidelines and the relationships between research facilities and manufacturers will be forthcoming.

Ms. Grimes reported on the Centers for Medicare and Medicaid Service's (CMS) proposed rule change published in the Federal Register that would change the definition of an authorized service provider for an audiologist. She stated that there are currently two different definitions of an audiologist for the purpose of participating in state and federally funded programs. The new proposed rule will provide for one CMS definition of an audiologist provider that will recognize state licensure as the qualification standard.

Ms. Grimes reported that the issue of unbundling was a topic of interest at the conference, however, since unbundling was discussed at length during the Audiology Practice Committee meeting, she would not revisit the issue.

As a side note, Ms. Grimes reported on an article in the Journal of American Medical Association (JAMA) of consumer interest. She stated that the article reported on the primary care physician's limited recognition of age related hearing loss and its impact on their patients. The article stated that primary care physicians often do not do an adequate job identifying and referring patients with age related hearing loss for further treatment.

Mr. Donald commented that this problem can be attributed to the elimination of mandatory specialty rotations, specifically that of audiology, as a professional curriculum requirement for primary care physicians.

## **V. Committee Reports**

### **A. Audiology Practice Committee (Bingea)**

Ms. Bingea stated that the first item of discussion before the Committee was the development of continuing professional development (CPD) reference materials that would outline subject areas acceptable as CPD for the practice of audiology. Ms. Bingea stated that the purpose of developing the reference materials was to assist staff in reviewing CPD provider applications as well as any course information that would be received by the Board in response to the CPD audits.

Ms. Bingea stated that Ms. Raggio provided the Committee with a document developed by the American Speech-Language-Hearing Association that would, along with Article 11 in the California Code of Regulations defining applicable CPD course content, provide a framework for the Committee to develop the reference materials.

The Committee passed a motion to recommend to the Board that the Audiology Practice Committee develop reference materials to bring before the Board at the next scheduled Board meeting for consideration and that Ms. Grimes would coordinate the development of the document.

Ms. Bingea reported that while discussing the CPD issue and reviewing the sample courses provided by the staff, the Committee identified a course offered by the Hearing Health Care Providers of California (HHP) that appeared to violate scope of practice laws. She stated that the HHP course and related certification in acoustic immittance was offered as continuing education to hearing aid dispensers; this procedure is not within the scope of practice for a dispenser. The Committee discussed the implication of the certification and that it implies competence and/or authority to perform the diagnostic audiologic tests.

The Committee passed a motion to recommend to the Board that the Executive Officer of the Board work with the Hearing Aid Dispensers Bureau to develop a letter of education to the HHP informing the provider that the course offering "Acoustic Middle Ear Reflex Lab and Written Test for Certification" violates the scope of practice provisions for hearing aid dispensers.

Ms. Bingea reported that the Committee reviewed the legislative proposal, AB 510, which would require the Department of Health Services to establish a list of maximum allowable product costs for hearing aids and durable medical equipment. She stated that the bill was intended to address medical supply fraud but was not intended to include hearing aids. Ms. Bingea stated that the Executive Officer would track the bill and report its status at the next Committee meeting.

Ms. Bingea stated that the Committee reviewed AB 525 (Cohn) which would delete the requirement that the audiologist be certified by the American-Speech-Language-Hearing Association (ASHA) in order to recommend hearing aids to persons 16 years of age or younger, and instead, require that the audiologist hold state licensure. Ms. Bingea pointed out that amendments proposed in AB 525 are similar to the proposed CMS rule change that Ms. Grimes identified in her Chairperson report. She stated that, since the national certification is voluntary and not mandated or regulated by an oversight body, the Committee determined that a recommendation should be made to the Board to support the amendment requiring licensure as the recognized standard. Ms. Bingea pointed out that a 1999 Attorney General Opinion concluded that state licensure is equivalent to ASHA certification.

The Committee passed a motion to recommend to the Board that the Executive Officer develop a letter of support for AB 525 with input from the Committee. It was also recognized that the California Speech-Language-Hearing Association supported the bill and the Committee expressed its appreciation especially in view of ASHA's opposition.

Ms. Bingea reported on the Committee's discussion regarding AB 532, which would prohibit audiologists who provide voluntary auditory testing to pupils on school grounds from soliciting students or parents of students for any conditions encountered during the course of the auditory testing. Ms. Bingea stated that Mr. Robert Powell informed the Committee that the bill was not intended to focus on audiologists and that the bill would not move forward for legislative consideration. She stated that Ms. Del Mugnaio would track the bill and report its status to the Committee.

Ms. Bingea reported that SB 174 would require health care service plans to provide coverage, up to \$1,000, for hearing aids to all enrollees and subscribers less than 18 years of age. She stated that this bill was a repeat measure to last year's bill SB 1638, for which the Board wrote a support letter, except that SB 1638 required \$1,500 dollars in coverage. Ms. Bingea stated that Mr. Robert Powell reported that SB 174 was assigned to a UC Study Commission to determine the cost effect of the mandate on insurance companies and that the bill would not be heard in the Legislature. She stated that the issue is a financial issue being studied as a result of the influence by health insurance companies. She indicated that Ms. Del Mugnaio would follow-up on the UC Study and provide a report to the Committee indicating the point at which the Board may go on record as supporting this initiative

Ms. Bingea stated that the Committee had a lengthy discussion on the issue of unbundling the services rendered from the sale of a hearing aid. She indicated that one of the primary issues discussed was that of segregating audiological services from the services related to the actual fitting and selling of the hearing aid in order to comply with the mandatory refund provision of the Song Beverly Act. Ms. Bingea stated that according to the opinion of Mr. Ritter, the Song Beverly Act does not require that diagnostic services be refunded. However, it does entitle the purchaser of a hearing aid to a full refund of the hearing related services if the buyer chooses to return the product. Ms. Bingea stated that there is already a 1998 Attorney General Opinion on the Song Beverly Act and that a legislative movement would be necessary to change the refund provisions. She explained that the Committee identified consumer issues related to unbundling, including delineation of costs and discouraging dispensers from limiting their time and services for fear of lost compensation. Ultimately, the Committee determined that the issue was predominantly a professional issue and that the professional associations should pursue the matter by way of a legislative initiative to differentiate between audiological services and services rendered in connection to the fitting and selling of the hearing aid. Ms. Bingea stated that the Committee reviewed a legislative bill SB 648 by Senator Battin that proposes to amend the Song Beverly Act but decided that, since it is not a consumer protection bill, it would not be appropriate for the Board to take a formal position.

M/S/C: Donald/Washington

The Board voted to accept the report and recommendations of the Audiology Practice Committee.

## **B. Speech-Language Pathology Practice Committee (Till)**

Mr. Till explained that the Speech-Language Pathology Practice Committee met both the evening of the April 24, 2003 and again the morning of April 25, 2003 to discuss two items on the agenda. The first item was the review of the California Board of Occupational Therapy's (BOT) proposed regulations regarding "Swallowing Assessment, Evaluation, or Intervention." Second, the Committee discussed the parameters of the speech-language pathologist's role in conducting Modified Barium Swallows.

Mr. Till reported that the Committee identified several areas of concern with the BOT's proposed regulation as follows: the BOT failed to consult with the Board on the final regulation document as provided for in the enabling law, the regulations do not reflect input from the speech-language pathology professional community, the regulations raise significant consumer protection concerns due to the lack of specificity for certification requirements, and the regulations raise scope of practice concerns. Mr. Till stated that there were also comments related to the lack of an occupational analysis conducted by the BOT. He reported that the Committee determined that the regulation comment period did not provide sufficient time for the Board to develop comments on the regulation language and therefore determined that a letter to the BOT requesting that the agency withdraw the regulatory action was in order.

The Committee voted to recommend to the Board that the Executive Officer send a letter to the California Board of Occupation Therapy with copies to the Department of Consumer Affairs, the Office of Administrative Law, and the other regulatory boards identified in the enabling law, requesting that the BOT withdraw the regulations and honor the intent of the enabling law by initiating a process of collaboration with the Board to develop the advanced practice regulations.

Mr. Till reported that the Committee examined the previous Board's correspondence related to the practice standards for speech-language pathologists to perform Modified Barium Swallow (MBS) studies. The Committee determined that there were no scope of practice issues requiring further action, after careful review of the practice standards and previous legal opinions which outlined the speech-language pathologist's responsibility to: perform the study only upon referral by a physician, dispense the barium sulfate, conduct the study in conjunction with personnel authorized to utilize the radiological equipment, and absent a radiologist participating in the study, video tape the study for a subsequent review by a radiologist.

M/S/C: Washington/Donald

The Board voted to accept the report and recommendation of the Speech-Language Pathology Practice Committee.

## **VI. Executive Officer's Report (Annemarie Del Mugnaio)**

### **A. Budget Update**

Ms. Del Mugnaio provided an overview of the Out-of-State Travel Request submitted to the Department that included three trips totaling \$6,450. She stated that while it is prudent to submit for the travel funding to increase the Board's overall budget appropriation, the administration is advising agencies to curtail all spending that is not of a critical need.

Ms. Del Mugnaio provided the Board with an updated budget projection through the end of March 2003, including projected expenditures through the end of the 2002/2003 fiscal year. She stated that the projections reflect a very low reversion rate, roughly 5.6%,

Ms. Del Mugnaio reported on a state budget update meeting held by the Department that summarized the Governor's messages regarding authorized and unauthorized spending by state agencies. She stated that agencies have been directed to drastically reduce expenditures and only direct resources to operations that directly impact the consumer's health, welfare, and safety. She stated that, along with the spending restrictions, the Department of Finance requested that all agencies develop a layoff plan that would identify a 10% reduction in personnel services. Ms. Del Mugnaio reported that the Board was able to meet the 10% reduction of \$26,000 without having to layoff staff. Instead, the Board reduced its funding for Board member per diem, temporary help, and reduced the senior analyst position to a  $\frac{3}{4}$  time-base.

### **B. Website Update (New 2003 Mailer)**

Ms. Del Mugnaio explained that the new 2003 mailer is available on the website. She reviewed the contents of the mailer including the information on legislative and regulatory changes and current issues facing the Board.

She also stated that the Health Insurance Portability and Accountability Act (HIPPA) information currently available on the website would be updated to include a new link to the state agency, the Office of HIPPA Implementation. The new agency is charged with providing information to consumers and practitioner about the federal HIPPA guidelines, including the new regulations effective April 14, 2003, which addressed the confidentiality guidelines for medical records and explained the complaint process that is available to consumers should their confidentiality rights be violated. Ms. Del Mugnaio stated that the Board does not have the enforcement responsibility to investigate complaints regarding violations of HIPPA guidelines. However, the Board is responsible for referring consumers and licensees to the appropriate agency for information on HIPPA regulations and complaint procedures.

Ms. Del Mugnaio provided statistics regarding the number of hits to the Board's on-line license verification feature on its website.

Mr. Till requested that staff obtain statistics on the number of hits to the Board's various website pages.

Ms. Del Mugnaio indicated that she would provide the requested statistics at the next Board meeting.

### **C. Professional Licensing & Enforcement Management System (PLEMS)**

Ms. Del Mugnaio explained that the Department has instituted a project to identify and purchase a new comprehensive database that will serve as an integrated licensing and enforcement tracking system for the Department and its client agencies. She stated that the database would replace all existing tracking systems and software programs and would essentially eliminate the need for most of the manual preparation of standard letters and statistical reports. Ms. Del Mugnaio stated that the process of implementing the new system would be costly for the Board with an initial start-up cost in 2003/04 of

\$40,000, a \$5,000 - \$7,000 cost for the following two years, and a final roll-out cost of \$23,000 in 2006/2007, for a total of \$93,000. She stated that the dollar figures are fluid and would most likely increase. She also stated that the Department would provide a cost methodology at its next PLEMS briefing.

#### **D. Continuing Professional Development Audit Update**

Ms. Del Mugnaio explained that the Board has begun the continuing professional development audit process and that the audit letters will be sent to licensees May 1, 2003. She stated that the percentage of licensees to be audited was identified and that the selection was random. Ms. Del Mugnaio stated that licensees would have 60 days to submit the requested audit documentation. She further stated that the information gathered from the audit would be valuable in assessing the quality of the CPD courses available to licensees and also the overall compliance ratios.

Mr. Donald inquired about the enforcement procedures that would be employed if a licensee fails the audit.

Ms. Del Mugnaio stated that the first action taken by the Board is citation and fine.

Ms. Grimes asked if the same percentage was applied to auditing both speech-language pathologists and audiologists.

Ms. Del Mugnaio stated that the percentage of licenses audited was consistent for both license types.

Mr. Gerratt offered to provide an actual minimum percentage that would serve as representative sampling of the total licensing population for both speech-language pathology and audiology.

#### **E. Board Member Ethics Training and Orientation**

Ms. Del Mugnaio reminded that Board of their responsibility to complete the ethics training course available online at the Office of the Attorney General's website. She also stated that the Board Member Orientation Training sponsored by the Department is mandatory and, therefore, those board members who have not participated in the training should plan to do so this year. She indicated that the Department should announce the Spring/Fall 2003 training dates soon and that she would notify the Board by email as to the upcoming events.

Mr. Till inquired as to the timeframe within which the board members must complete their ethics training.

Ms. Del Mugnaio stated that the training must be completed prior to the deadline for filing the Form 700, which is April 1 each year.



## **VII. Proposed Regulations**

### **A. Complaint Disclosure**

Ms. De Mugnaio requested that the Board review the proposed regulation language prepared by Mr. Ritter. She stated that the regulations would define the Board's complaint disclosure policy including the disclosure guidelines for enforcement matters that have been referred to the Attorney General's Office for disciplinary action. In addition, the regulations define the information that would be made available by the Board to the inquiring public pursuant to the Information Practices Act and the Public Records Act. She further stated that the adoption of regulations provide legal protection to the Board should the Board be subject to a lawsuit for disclosing a professional's enforcement history.

Mr. Donald raised a concern regarding the disclosure of complaint information to a licensee who is the subject of the complaint. He contended, that by the nature of disclosing the generic allegations specified in the complaint, the complainant could be revealed.

Mr. Ritter stated that the Board has an obligation to release the information to the licensee pursuant to the Information Practices Act.

Mr. Donald suggested that the title of the regulation section addressing "Disclosure of Complaints" be changed to "Disclosure of Complaints to the Public."

Ms. Bingea suggested that the references to "medical malpractice" in the regulation language be changed to "professional malpractice."

The Board noted references to the word "podiatry" in the regulation language that required correction.

M/S/C            Donald/Till

The Board voted to adopt the regulation language regarding compliant disclosure as amended.

### **B. Licensing Clean-Up (California Code of Regulations Sections 1399.152, 1399.152.2, & 1399.152.3)**

Ms. Del Mugnaio provided an overview of the regulatory proposal. She stated that the amendments to Section 1399.152(a) reflect the Board decision at its January meeting to define an institution approved by the Board as one that offers a graduate education program accredited by the American Speech-Language-Hearing Association (ASHA). She stated that the amended language would provide an approval for institutions that offer advanced degree programs if the institution houses a graduate program accredited by ASHA. She stated that the language in subsection (b) includes all institutions that hold regional accreditation and that employ a specific number or professionally credentialed faculty members.

Mr. Donald inquired whether the US Department of Education certifies the ASHA accrediting body to approve speech-language pathology and audiology academic training programs.

Ms. Grimes stated that the Council on Academic Affairs (CAA) of ASHA is recognized by the US Department of Education as the only body to accredit audiology and speech-language pathology programs. She stated that the issue was that the CAA does not accredit PhD or AuD programs, only masters programs. She further stated that professional bodies are attempting to develop another accrediting body that the US Department of Education could recognize.

A general discussion ensued regarding the future of the accrediting process for advanced degree programs and which professional entities were interested in developing accreditation standards.

Ms. Del Mugnaio provided information on ASHA's input to the Board's proposed regulation amendment.

Mr. Till inquired whether the number of individuals advertising advanced degrees from institutions not accredited by ASHA was minimal to the extent that the Board could review the equivalency of their coursework on a case-by-case basis.

The Board determined that the case-by-case review of individuals who advertise advanced degrees that were not currently provided for in the defining regulations, was not feasible due to the enormous undertaking involved to review each program's academic standards.

The Board determined that an institution that holds only regional accreditation absent a professional program accreditation should not be included in the definition of a board-approved institution because the professional academic components have not been evaluated by an accrediting body.

Ms. Del Mugnaio reviewed the remaining regulation amendments to Section 1399.156.4 Advertising, 1399.152.2 Supervised Clinical Experience, and 1399.152.3 Examination Requirements.

M/S/C            Donald/Till

The Board voted to adopt the proposed regulation amendments as drafted relative to California Code of Regulations Sections 1399.152(a), 1399.152.2, & 1399.152.3 and requested that the Executive Officer provide further clarification as to the appropriate amendments to Section 1399.152(b).

### **C. Disciplinary Guidelines (California Code of Regulations Section 1399.155)**

Ms. Del Mugnaio explained that the regulatory proposal makes technical changes to the Board's Disciplinary Guidelines to include disciplinary standards for each of the Board's licensing categories.

Ms. Del Mugnaio acknowledged Ms. Raney's expertise in drafting the disciplinary guideline amendments.

M/S/C          Donald/Till

The Board voted to adopt the proposed regulation amendments to California Code of Regulations Section 1399.155.

### **VIII. Proposed amendments to the SLPAB Strategic Plan for 2003-2004**

Ms. Del Mugnaio requested that the Board review the existing strategic plan as provided in the meeting packets with attention to the proposed updates indicated in strikeout and underline.

The Board provided input as to reassigning a higher priority to strategic goals and objectives that specify the Board's interaction with other regulatory agencies on cross-cutting practice issues.

Ms. Grimes requested that the licensing statistics for registered aides be segregated by discipline, speech-language pathology and audiology.

Ms. Del Mugnaio reviewed the list of accomplishments included in the strategic plan and requested comments from the Board on other accomplishments that should be reported.

Technical edits were suggested by the Board.

M/S/C          Donald/Bingea

The Board voted to adopt the 2003 Strategic Plan with noted amendments.

### **IX. Discuss Draft Sunset Review Narrative and Updated Time-Line for Completion of Final Report**

Ms. Del Mugnaio explained that included in the board packet is a timeline for completion of the Sunset Review Report with noted benchmarks for report deadlines. She also referenced a document in the packet that addressed the current cross-cutting issues for agencies undergoing Sunset Review as identified by the Department of Consumer Affairs.

Ms. Del Mugnaio explained that the Board should prepare a draft report for review by January 2004. She stated that she and Marcia would work on amendments to the existing narrative during the summer.

The Board requested that Marcia re-send the draft narrative along with any assignments that may be outstanding.

Mr. Till inquired about the status of the Legislature and whether their public policy interests have shifted in the past year.

Ms. Del Mugnaio stated that she has not noticed a significant shift in focus however she indicated that the November/December Sunset Hearings would reveal the items that are noteworthy and thus may impact the focus of the Board's Sunset Report.

**X. Discussion and possible action concerning potential litigation, enforcement actions and other related actions that may be taken in connection with possible unlawful business practices**

Ms. Del Mugnaio referenced a letter in the meeting packets from the Opinions Unit of the Attorney General's (AG) Office wherein the AG refused to issue a legal opinion as requested by the Board regarding whether a corporation licensed as a health care service plan which has contracted to provide services to enrollees of the plan may refer the enrollees to a licensed audiologist in order to obtain audiological services covered under the plan free of charge or at a discounted rate. The AG letter stated that the question posed is based on factual assumptions that cannot be agreed upon by the involved parties and therefore they are unable to issue a legal opinion. The letter further suggested that proposing legislation to address the legal issues would be a constructive option.

Mr. Donald asked how the situation involving the relationship between audiologists and managed health care plans is different from that of physicians who are providers under a specific plan.

Ms. Grimes stated that the arrangement in question involves a quid pro quo wherein audiologists are receiving referrals based on an agreement that they will provide services at a discount rate to enrollees of the referring health care service plan. The provider relationship involving physicians is purely a contractual arrangement where the physicians serve as providers for a specific health care service plan and agree to provide services at a negotiated fee. A referral by the health care plan to a given physician is not based on a financial incentive of free or discounted services.

Ms. Grimes inquired about how the Supreme Court decision to uphold the "Any Willing Provider" legislation impacts the Board's situation or, for that matter, any relationship between health care service plans and health care practitioners in the state.

Mr. Ritter indicated that he was not aware of the Supreme Court ruling, however, he did not believe that the decision would impact the legal matter involving audiologists and prohibited referrals.

Ms. Del Mugnaio stated that Carlos Ramirez, Sr. Assistant Attorney General, the Board's liaison AG, who addressed the Board at its January 2002 meeting and suggested that the Board could request an opinion from his unit, the Health Quality Enforcement Section of the AG's Office. However, the opinion would not hold the same legal force and effect as it is not an opinion from the Attorney General.

Ms. Del Mugnaio explained that the difficulty with the basis of the AG's refusal regarding the dispute of factual evidence, is that the AG is expecting the health care service plans involved in these agreements to incriminate themselves.

Ms. Del Mugnaio stated that in light of the AG letter, she contacted Bill Gage of the Legislative Business and Professions Committee to seek assistance with a legislative proposal sponsored by the Committee that would specifically address unlawful arrangements involving speech-language pathologists and audiologists. Mr. Gage expressed an interest in working with the Board on the matter. He indicated that the issue had been brought before the Committee previously by the American Academy of Audiology and lobbyist Barry Brokaw at which point the Committee requested a similar opinion from the AG. The AG denied the Committee's request for the opinion stating that, once again, the legal question lacked factual evidence. He further stated that he would arrange a meeting with the Board, Board legal counsel, Barry Brokaw representing the California Academy of Audiology and the American Academy of Audiology, Carlos Ramirez of the AG's Office, and the Department of Consumer Affairs to work through the details of the legislative proposal.

#### **XI. Meeting Calendar 2003**

The Board determined that the next scheduled meeting on July 17-18, 2003 would be changed to July 10-11, 2003 to be held in San Francisco in order to preserve a quorum.

The Board scheduled a subsequent meeting for October 23-24, 2003 with a location to be determined.

#### **XII. Public Comment on Items Not on the Agenda**

There were no public comments.

#### **XIII. Announcements**

- A. Next Board Meeting is July 17-18, 2003 Sacramento

As reported under Agenda Item XI, the Board decided to change the July 2003 meeting to July 10-11, 2003 in San Francisco.

### **BOARD CONVENED IN CLOSED SESSION**

#### **XIV. Closed Session (pursuant to Government Code Subsections 11126 (a)(1) (c)(3) Proposed Decisions/Stipulations/ Other APA Enforcement Actions**

- A. **Proposed Stipulation and Settlement for Probation In the Matter of the Accusation Against Leslie Fraser, SP 4499**

## **B. Discussion of Executive Officer Position and Recruitment**

### **BOARD RECONVENED IN OPEN SESSION**

Ms. Grimes reported that the Board voted to adopt the Proposed Stipulation and Settlement for Probation in the Matter of the Accusation Against Leslie Fraser, SP 4499.

Ms. Grimes reported that the Board regrettably accepted the letter of resignation of the Executive Officer Annemarie Del Mugnaio and extended their gratitude for her leadership.

Ms. Grimes also reported that the Board established an Executive Search Committee to recruit a new executive officer.

### **XV. Adjournment**

There being no further discussion, Chairperson Grimes adjourned the meeting at 3:10 p.m.

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Annemarie Del Mugnaio, Executive Officer